

are they holding down? With 0.4% unemployment in this field, and record-low unemployment in the broader U.S. economy, where are the out-of-work Americans displaced by foreign talent?

America's loss is our foreign competition's gain. Our need for engineers has driven us to start R&D centers anywhere we can find engineers—currently, in England, Ireland and India. We're forced offshore to fill the jobs that we cannot fill here—a fine way to “protect” American jobs.

Legal immigrants currently constitute 8.5% of the U.S. population, well below the 13%-plus levels maintained from 1860 to 1939. Immigrants add less than 0.4% to the population yearly. If this administration ignores Silicon Valley's need for 25,000 to 35,000 more immigrant engineers—a mere 3% or so of the million-plus yearly legal immigrants—the only result will be to drive high-tech hiring offshore. And it will have added the H1-B visa issue—along with litigation reform, encryption export and Internet regulation—to its list of Silicon Valley snubs.

Raising quotas by only 3%, specifically to bring in critical engineers and scientists, would be an obvious benefit to all Americans. Why are we sending the first-round draft choices of the high-tech world to play on other country's teams?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now return to the consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill, with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

Pending:

McCain Amendment No. 1726 (to Amendment No. 1676), to provide that demonstration projects shall be subject to any limitation on obligations established by law that applies in Federal-aid highways and highway safety construction programs.

#### AMENDMENT 1726

Mr. MACK. Mr. President, it is time we end the practice of earmarking highway projects. This practice continues to disadvantage my state, and most others. Commonly referred to as demonstration projects, these earmarked dollars literally come off the top of the transportation funding available under this legislation.

The rationale behind apportionment formulas and funding allocations is that these transportation funds are distributed according to state's needs. Notwithstanding disagreements over whether these distributions accurately reflect a state's transportation needs, the practice of authorizing demonstra-

tion projects undermines the rationale supporting the use of these formulas. Moreover, this practice literally deprives states of the funding which would otherwise be available for states' highway priorities as established by state and local transportation planners.

While I believe this is a wasteful practice, history has shown there is little chance of its outright elimination. Beginning in 1982 when \$362 million was set-aside for 10 such earmarks, the inclusion of such earmarks has continued to grow as illustrated in the 1991 transportation bill, ISTEA, where over \$6 billion was provided for 538 location specific projects.

While the Senate's Environment and Public Works Committee has shown great restraint in this area, it is well understood that the House of Representatives has been unable to curtail this practice. In fact, the House is fully expected to come forward this year with billions of dollars in transportation earmarks.

Accordingly, the amendment offered by Senator MCCAIN does the next best thing. It requires that any highway demonstration projects come from within a state's total funding and not at the expense of funding otherwise available to all other states.

For all my colleagues who have argued in favor of the formulas contained in the bill and the rationale behind them, support of this provision remains consistent with that position. And, for those of my colleagues who are not as enthusiastic over the distribution of highway dollars in the underlying legislation, this provision will ensure that your states prospective return on their transportation dollar will not be eroded any further.

I look forward to the overwhelming support of my colleagues on this common sense amendment, and I thank Senator MCCAIN for his excellent work in crafting this provision.

Mr. BROWNBACK. Mr. President, I rise today in strong support of the McCain amendment to require that demonstration projects be funded from each state's allocation and be subject to annual limitation.

The current system for designating large construction projects advantages a few states over the majority. It prioritizes construction needs based more on political seniority that it does an impartial evaluation of transportation needs. It creates pressure for Members of Congress to engage in porkbarrel spending rather than to concentrate on prudent national policy. I believe the McCain amendment would help move us away from this system because it would not give states or members an incentive to seek out demonstration or critical needs projects, as securing these projects would not increase the amount of federal funds flowing to a state.

I further support the McCain amendment because it gives states greater say in determining what projects have

the highest priority for their locality. It should be up to cities, counties, and the state Departments of Transportation to prioritize what projects need immediate attention in their state—not the federal government. Too often under the current system, a state has to put aside its own priorities because it must use its own limited funds to provide matching funds for the large federally designated construction projects, or risk losing federal funding. This “Washington knows best” approach to transportation planning needs to end.

Finally, I support this amendment because it would end a system that disadvantages the infrastructure needs of a majority of states to the benefit of a few. In order to maintain a strong, truly national infrastructure system, we must give every state the tools and funding its needs to maintain its share of the system. Ending a system that gives a few states an inordinate amount of construction dollars is one step in the right direction toward that goal.

I applaud the Senator from Arizona for proposing this approach to increase fiscal responsibility in transportation spending and to empower the communities in which the infrastructure lies. I urge my colleagues to support its passage.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1726 offered by Senator MCCAIN. The yeas and nays have been offered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 78, nays 22, as follows:

[Rollcall Vote No. 29 Leg.]

#### YEAS—78

Abraham	Dorgan	Lieberman
Akaka	Enzi	Lott
Allard	Faircloth	Lugar
Ashcroft	Feingold	Mack
Baucus	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Bumpers	Gregg	Reed
Burns	Hagel	Robb
Chafee	Hatch	Roberts
Cleland	Helms	Rockefeller
Coats	Hutchinson	Roth
Cochran	Hutchison	Sessions
Collins	Inhofe	Smith (NH)
Conrad	Inouye	Smith (OR)
Coverdell	Johnson	Snowe
Craig	Kempthorne	Stevens
D'Amato	Kerrey	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Warner
Domenici	Levin	Wyden

#### NAYS—22

Boxer	Hollings	Santorum
Bryan	Jeffords	Sarbanes
Byrd	Kennedy	Shelby
Campbell	Kerry	Specter
Durbin	Lautenberg	Torricelli
Feinstein	Leahy	Wellstone
Ford	Mikulski	
Harkin	Reid	

The amendment (No. 1726) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.